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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,278

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Roland Oehmann

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EXAMINER

CALLAWAY, JADE R

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

10/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,278	Applicant(s) OEHMANN, ROLAND	
	Examiner JADE CALLAWAY	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008, 3 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/3/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments to the claims, in the submission dated 9/15/08, are acknowledged and accepted.

Response to Arguments

2. Applicant's arguments with respect to claims 5-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (6,286,983) in view of Taguchi et al. (JP 60-193739 A).

Consider claim 5, Macher et al. disclose (e.g. figures 1 and 9) a vehicular external mirror module comprising: a mirror housing (52, casing); a mirror glass (58, mirror layer) housed within the mirror housing, the mirror glass including a non-mirrored surface (59, free space) facing out of the mirror housing and a mirrored surface (right and left edges) facing into the mirror housing; and a luminescent film (5, electroluminescent film) fixedly secured to the mirror surface of the mirror glass for emitting light out from the luminescent film through the mirror glass [col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50]. However, Macher et al. do not

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disclose a heating film integrally formed with the luminescent film to heat the mirror glass, the heating film electrically connected to the luminescent film such that power used by the luminescent film is also used by the heating film. Macher et al. and Taguchi et al. are related as vehicle mirror devices. Taguchi et al. teach (e.g. figures 1-4) a heating film (1, metallic film) electrically connected (via electrodes) to a power source [abstract]. Official Notice is taken. Although the prior does not specifically disclose that the luminescent film and the heating film are connected such that power used by the luminescent film is also used by the heating film, it is well known that multiple elements can be electrically connected to a mutual power source to reduce the amount of elements needed; thereby reducing size and cost of a device. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Macher et al., as taught by Taguchi et al., in order to clear the mirrors of frozen or liquid debris for viewing purposes.

5. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (6,286,983) in view of Taguchi et al. (JP 60-193739 A) as applied to claim 5 above, and in further view of Muth et al. (5,788,357).

Consider claim 6, the modified Macher et al. reference does not disclose a transmitted light orientation film disposed between the mirror glass and the luminescent film to direct the light emitted by the luminescent film. Macher et al., Taguchi et al. and Muth et al. are related as mirror assemblies. Muth et al. teach (e.g. figure 6) a transmitted light orientation film (70, light control optical element) disposed between a mirror glass (60, mirror) and a light emitting portion (122, LEDS) [col. 5, lines 46-67, col.

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6, lines 1-13]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of the modified Macher et al.

reference, as taught by Muth et al., in order to provide a mirror assembly which can be manufactured in a cost effective fashion with improved performance characteristics.

Consider claim 7, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein a portion of the mirrored surface (60, mirror) is partially transparent (semi-transparent) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 8, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al. and figure 6 of Muth et al.) a vehicular external mirror wherein the luminescent film (5 of Macher et al.) and the transmitted light orientation film (70 of Muth et al.) are disposed adjacent the mirrored surface (60) that is partially transparent (semi-transparent) [col. 5, lines 46-67, col. 6, lines 1-13 of Muth; col. 4, lines 33-67, col. 5, lines 1-18, col. 8, lines 25-67, col. 9, lines 1-50 of Macher et al.].

Consider claim 9, the modified Macher et al. reference discloses (e.g. figures 1 and 9 of Macher et al.) a vehicular external mirror module wherein the luminescent film (5, electroluminescent film) is substantially planar.

Consider claim 10, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror wherein the transmitted light orientation film (70, light control optical element) is substantially planar.

Consider claim 11, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein the transmitted light orientation

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film (70, light control optical element) includes a plurality of microlamellae (74, microlouvers) to direct the light emitted by the luminescent film [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 12, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) are parallel to each other [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.].

Consider claim 13, the modified Macher et al. reference discloses (e.g. figure 6 of Muth et al.) a vehicular external mirror module wherein each of the plurality of microlamellae (74, microlouvers) defines a thickness [col. 5, lines 46-67, col. 6, lines 1-13 of Muth et al.]. However, the modified Macher et al. reference does not disclose that the thickness is approximately one hundredth of a millimeter. Note that the Court has held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation; see **In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235**. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the thickness of the microlamellae be approximately one hundredth of a millimeter, in order to orient and direct the light emitted by a light assembly along desired lines of sight.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JADE CALLAWAY whose telephone number is (571)272-8199. The examiner can normally be reached on Monday to Friday 7:00 am - 4:30 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRC
/Jade R. Callaway/
Examiner, Art Unit 2872

/Stephone B. Allen/
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